

MONDAY, FEBRUARY 24, 1986

SEVENTY-SECOND LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Reverend Calvin N. Harrub, Cook's United Methodist Church, Mt. Juliet, Tennessee.

Representative Bell led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 95

Representatives present were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

The Speaker announced that Representative Brenda Turner was excused because of death in the family.

The Speaker announced that Representative Napier was excused to attend the annual convention of the Tennessee Association of Conservation Districts.

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The Speaker announced that Representative Gafford was excused because of personal business.

RECESS

On motion of Mr. West, the House recessed to present a resolution to Miss Tammy Wynette.

Miss Wynette expressed her appreciation.

The recess having expired, the House was called to order by Mr. Speaker McWherter.

On motion, the roll call was dispensed with.

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Joint Resolution No. 539 with his approval.

WILLIAM H. INMAN,
Counsel to the Governor.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 1248, 1249, 1253, 1265, 1268, 1269, 1309 and 1715; House Resolution No. 109; and House Joint Resolutions Nos. 498, 505, 506, 507, 508, 512, 513, 517, 532 and 536; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 660, 1129, 1135, 1136, 1173 and 1227; also, Senate Joint Resolutions Nos. 228, 231, 233, 237, 238, 239, 240, 241, 242, 247 and 259; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SIGNED

The Speaker announced that he had signed the following: House Bills Nos. 1248, 1249, 1253, 1265, 1268, 1269, 1309 and 1715; House

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Resolution No. 109; House Joint Resolutions Nos. 498, 505, 506, 507, 508, 512, 513, 517, 532 and 536; Senate Bills Nos. 660, 1129, 1135, 1136, 1173 and 1227; and Senate Joint Resolutions Nos. 228, 231, 233, 237, 238, 239, 240, 241, 242, 247 and 259.

Mr. Speaker McWherter relinquished the Chair to Mr. Bivens, Speaker pro tem.

CALENDAR

House Bill No. 1379--To provide services for the mentally ill.

Ms. Duer moved that House Bill No. 1379 be passed on third and final consideration.

Ms. Duer moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1379 by deleting in Section 1 the phrase "Section 4-3-309(g)" as it appears in the last line of 33-1-202(b) and substituting instead "Section 4-3-304(q)".

On motion, the amendment was adopted.

Thereupon, House Bill No. 1379, as amended, passed its third and final consideration by the following vote:

Ayes	92
Noes	1
Present and not voting	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--92.

Representative voting no was: Shirley--1.

Representative present and not voting was: DeBerry--1.

A motion to reconsider was tabled.

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House Bill No. 1325--To revise and codify general and public statutes.

On motion, House Bill No. 1325 was made to conform with Senate Bill No. 1141.

On motion, Senate Bill No. 1141, on same subject, was substituted for House Bill No. 1325.

Mr. Naifeh moved that Senate Bill No. 1141 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Naifeh, Nance, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

A motion to reconsider was tabled.

House Bill No. 1512--To provide for licensing, culturing pearls.

Mr. Hillis moved that House Bill No. 1512 be passed on third and final consideration.

Mr. Hillis moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1512 by adding a new sentence between the first and second sentences, as follows:

"No nonresident shall be granted a license if the state or country of the nonresident prohibits residents of Tennessee from engaging in the business of culturing pearls."

On motion, the amendment was adopted.

Mr. Hillis moved to amend as follows:

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AMENDMENT NO. 2

Amend House Bill No. 1512 by adding a new sentence at the end of Section 1, as follows:

"The Executive Director of TWRA shall select a committee of five people that will include himself or his representative, the Chief of Fisheries, a Fisheries Biologist, and two industry representatives to assist him in the initial drafting of these rules and regulations."

On motion, the amendment was adopted.

Mr. Hillis moved that House Bill No. 1512 be placed on the Calendar for Thursday, February 27, 1986, which motion prevailed.

House Bill No. 1587--To provide for transportation plan report to General Assembly.

On motion, House Bill No. 1587 was made to conform with Senate Bill No. 1496.

On motion, Senate Bill No. 1496, on same subject, was substituted for House Bill No. 1587.

Mr. Robinson (Davidson) moved that Senate Bill No. 1496 be passed on third and final consideration, which prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

A motion to reconsider was tabled.

House Bill No. 1588--To amend Title 55, Code to define "autocycle".

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Mr. Robinson (Davidson) moved that House Bill No. 1588 be passed on third and final consideration.

Mr. Buck moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1588 by redesignating Section 7 to be Section 10 and adding the following:

SECTION 7. Tennessee Code Annotated, Section 55-7-104(a), is amended by adding at the end thereof an additional sentence, as follows:

Possession of a valid license as an operator or chauffeur shall also entitle a person to operate an autocycle.

SECTION 8. Tennessee Code Annotated, Section 5-4-111(a)(1), is amended in Class (A) by adding after the word "Motorcycles" the words "or autocycles".

SECTION 9. Tennessee Code Annotated, Title 55, Chapter 9, Part 3, is amended by adding a new section thereto, as follows:

Section 55-9-308. The provisions of this part shall not apply to autocycles.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1588, as amended, passed its third and final consideration by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--94.

A motion to reconsider was tabled.

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House Bill No. 1713--To regulate certain motor vehicles towing a fork lift.

On motion, House Bill No. 1713 was made to conform with Senate Bill No. 1492.

On motion, Senate Bill No. 1492, on same subject, was substituted for House Bill No. 1713.

Mr. Robinson (Davidson) moved that Senate Bill No. 1492 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensey, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --96.

A motion to reconsider was tabled.

House Bill No. 1468--To amend Tennessee Homestead Act.

Mr. Dixon moved that House Bill No. 1468 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensey, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings,

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Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

A motion to reconsider was tabled.

House Bill No. 726--To authorize bond issue, certain road project.

Mr. Rhinehart moved that House Bill No. 726 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	65
Noes	21
Present and not voting	7

Representatives voting aye were: Bell, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Garrett, Gill, Hillis, Hobbs, Hurley, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Love, May, McAfee, McNally, Miller, Montgomery, Murphy, Murray, Naifeh, Patterson, Phillips, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Stallings, Starnes, Tanner, Ussery, West, Wheeler, Whitson, Williams, Winningham, Wix, Wood, Work, Yelton and Mr. Speaker McWherter --65.

Representatives voting no were: Bewley, Chiles, Clark (Sumner), Davis (Cocke), Davis (Knox), Frensley, Harrill, Hawkins, Huskey, Lawson, McCroskey, Moody, Peroulas, Ridgeway, Robinson (Washington), Scruggs, Swann, Tankersley, Turner, L. (Shelby), Webb and Wolfe --21.

Representatives present and not voting were: Hassell, Moore, Nance, Severance, Shirley, Stafford and Turner, C. (Shelby)--7.

A motion to reconsider was tabled.

House Bill No. 1449--To provide for petitions, post-conviction relief.

Mr. Davis (Knox) moved that House Bill No. 1449 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	87
Noes	5

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Garrett, Gill, Harrill, Hassell, Hawkins,

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Henry, Hillis, Hobbs, Hurley, Ivy, Jared, Jones, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moore, Murray, Naifeh, Nance, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Winingham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--87.

Representatives voting no were: Brewer, DeBerry, King, Moody and Murphy--5.

A motion to reconsider was tabled.

Mr. Whitson moved that House Bill No. 1172 be placed on the Calendar for Thursday, February 27, 1986, which motion prevailed.

House Bill No. 1377--To regulate Child Welfare Agencies.

On motion, House Bill No. 1377 was made to conform with Senate Bill No. 1461.

On motion, Senate Bill No. 1461, on same subject, was substituted for House Bill No. 1377.

Ms. Montgomery moved that Senate Bill No. 1461 be passed on third and final consideration.

Mr. Starnes moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1461 by deleting in its entirety the second paragraph of the amendatory language of subsection (a) of Section 1 and by substituting instead the following:

A processing fee for such applications shall be assessed by the department and submitted by the agency with the application in accordance with the following schedule:

Family Day Home	5.00
Group Day Home	10.00
Day Care Center - Less than 50	15.00
Day Care Center - 50 to 100	20.00
Day Care Center - More Than 100	25.00
Any Child Caring or Child Placing Agency.....	10.00

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Maternity Home 10.00

Runaway Shelter 10.00

Emergency Shelter..... 10.00

Child Abuse Agencies..... 10.00

On motion, the amendment was adopted.

Ms. Montgomery moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 1461 by deleting the words "Chapter 4 or Chapter 6 of Title 37" wherever they appear in Section 4 of the bill and by substituting instead the words "Part 4 or Part 6 of Chapter 1 of Title 37".

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1461, as amended, passed its third and final consideration by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--94.

A motion to reconsider was tabled.

CONSENT CALENDAR

House Joint Resolution No. 535--Relative to honoring members of musical group, Destiny.

Mr. Gill moved that the House Joint Resolution on the Consent Calendar be adopted, which motion prevailed by the following vote:

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Ayes	95
Noes	0

Representatives voting aye were: Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

A motion to reconsider was tabled.

Mr. Cross moved that the rules be suspended for the purpose of considering House Bill No. 1214 out of order, which motion prevailed.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 1214--To create office of county attorney, Campbell County.

SENATE AMENDMENT NO. 1

Amend House Bill No. 1214 by renumbering the second Section 2 as Section 3; and further amend by deleting Sections 3 and 4 in their entirety; and further amend by adding the following new sections:

SECTION 4. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect.

SECTION 5. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Campbell County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

SECTION 6. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 5.

Mr. Cross moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

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Ayes	96
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --96.

A motion to reconsider was tabled.

Mr. Miller moved that the rules be suspended for the purpose of considering House Bill No. 1028 out of order, which motion prevailed.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 1028--To regulate compensation, county election commission, certain counties.

SENATE AMENDMENT NO. 1

Amend House Bill No. 1028 by deleting from Section 2 the date "July 1, 1985," and by substituting instead the date "July 1, 1986,".

Mr. Miller moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams,

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Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --96.

A motion to reconsider was tabled.

BILL RECALLED

On motion of Mr. Gill, Senate Bill No. 1305 was recalled from the Senate desk.

Mr. Cobb moved that the rules be suspended in order to recall House Joint Resolution No. 487 from the Committee on Calendar and Rules for immediate consideration, which motion prevailed.

House Joint Resolution No. 487--Relative to confirming appointment, State Certification Commission.

Mr. Cobb moved that House Joint Resolution No. 487 be adopted, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --96.

A motion to reconsider was tabled.

Mr. Rhinehart moved that the rules be suspended for the purpose of considering House Bill No. 1310 out of order, which motion prevailed.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 1310--To set Mayor's salary, Pikeville.

SENATE AMENDMENT NO. 1

Amend House Bill No. 1310 by deleting Section 2 in its entirety and renumbering Sections in appropriate manner.

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Mr. Rhinehart moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --96.

A motion to reconsider was tabled.

BILL RE-REFERRED

On motion of Mr. Hillis, House Bill No. 1921 was recalled from the Committee on Conservation and Environment.

On motion of Mr. Hillis, House Bill No. 1921 was referred to the Committee on Agriculture.

BILL WITHDRAWN

On motion of Mr. Naifeh, House Bill No. 1941 was recalled from the Committee on Commerce.

On motion of Mr. Naifeh, House Bill No. 1941 was withdrawn from the House.

Mr. Swann moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 538 out of order, which motion prevailed.

House Joint Resolution No. 538--Relative to honoring Grace Talbott Morton--By Swann.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Swann, the resolution was adopted.

A motion to reconsider was tabled.

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Mr. West moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 250 out of order, which motion prevailed.

Senate Joint Resolution No. 250--Relative to honoring James A. Walsh.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. West, the resolution was concurred in.

A motion to reconsider was tabled.

Mr. West moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 251 out of order, which motion prevailed.

Senate Joint Resolution No. 251--Relative to sympathy, James A. O'Hara.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. West, the resolution was concurred in.

A motion to reconsider was tabled.

Mr. West moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 255 out of order, which motion prevailed.

Senate Joint Resolution No. 255--Relative to congratulating Elizabeth Ballou.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. West, the resolution was concurred in.

A motion to reconsider was tabled.

SECOND ROLL CALL

A roll call was taken with the following results:

Present 96

Representatives present were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett,

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Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --96.

RESOLUTIONS LYING OVER

Senate Joint Resolution No. 248--Relative to congratulating J. Kevin Ross.

Under the rules, Senate Joint Resolution No. 248 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 249--Relative to commending Commissioner Martha Olsen.

Under the rules, Senate Joint Resolution No. 249 was referred to the Committee on Calendar and Rules.

INTRODUCTION OF RESOLUTIONS

House Resolution No. 110--Relative to continuing study, licensing of contractors--By Patterson.

The Speaker referred House Resolution No. 110 to the Committee on State and Local Government.

House Joint Resolution No. 537--Relative to honoring Edward L. Holton--By Napier.

Under the rules, House Joint Resolution No. 537 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 540--Relative to honoring Litton T. Cochran--By Scruggs, Severance, Miller, Peroulas, Davis (Knox), Drew and May.

Under the rules, House Joint Resolution No. 540 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 541--Relative to commending Billy Pegg, Jr.--By Crain.

Under the rules, House Joint Resolution No. 541 was referred to the Committee on Calendar and Rules.

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INTRODUCTION OF BILLS

House Bill No. 1981--To amend Charter, Elkton--By DePriest.

Passed first consideration.

House Bill No. 1982--To make certain provisions, Commission on Indian Affairs--By Hillis, Crain, Dills, Whitson, Miller, Moore, McNally, Burnett, Darnell, Stallings, Tanner, Bewley, Ivy, Gafford, Curlee, Napier, Bell, Davis (Cocke), Severance, Hawkins, Cross, Duer, Robinson (Davidson), Ellis, Naifeh, Henry, Gill, Jared, Davidson, Wix, Murphy, Cobb, West, Kent, Clark (Sumner), Wolfe and Mr. Speaker McWherter.

Passed first consideration.

SENATE BILLS ON FIRST CONSIDERATION

Senate Bill No. 1146--To make certain provisions, grades and report cards.

Passed first consideration.

Senate Bill No. 1213--To regulate business tax, transient vendors.

Passed first consideration.

Senate Bill No. 1221--To make provisions, county community work projects.

Passed first consideration.

Senate Bill No. 1389--To regulate disposition, certain confiscated firearms.

Passed first consideration.

Senate Bill No. 1411--To amend Hotel Food Service Establishment and Public Swimming Pool Inspection Act.

Passed first consideration.

Senate Bill No. 1490--To regulate escheat, decedent's estates.

Passed first consideration.

Senate Bill No. 1506--To regulate court jurisdiction.

Passed first consideration.

Senate Bill No. 1508--To regulate acknowledgement, certain instruments.

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Passed first consideration.

Senate Bill No. 1515--To set provisions, signature of notaries public.

Passed first consideration.

Senate Bill No. 1532--To regulate fees, certain court clerks.

Passed first consideration.

Senate Bill No. 1565--To regulate offense, carrying burglar's tools.

Passed first consideration.

SENATE BILL ON SECOND CONSIDERATION

Senate Bill No. 1403--To regulate alteration, certain serial numbers.

Passed second consideration and referred to Committee on State and Local Government.

HOUSE BILL ON SECOND CONSIDERATION

House Bill No. 1980--To amend Charter, Westmoreland.

Passed second consideration and held without reference.

REPORT OF DELAYED BILLS COMMITTEE

The undersigned members of the Delayed Bills Committee have approved the following bill: House Bill No. 1982.

Ned R. McWherter

Jimmy Naifeh

James M. Henry

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Wednesday, February 26, 1986: House Bills Nos. 1399, 1218, 1271, 587, 1513, 1639, 1606, 1142, 1410, 1905, 1972, 1875, 1818, 1360, 1349, 1350, 1151, 1567, 1384, 1369, 1622, 1409, 1720 and 1717.

GILL, Chairman.

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REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills on the Consent Calendar for Wednesday, February 26, 1986: House Joint Resolutions Nos. 537, 540, 541 and Senate Joint Resolutions Nos. 248 and 249.

GILL, Chairman.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 726, 1379, 1449, 1468 and 1588; and House Joint Resolutions Nos. 487, 535 and 538; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

1312--To exempt certain items, sales tax;

1431--To exempt certain equipment, sales and use tax; both substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos.:

515--Relative to commending Kellie Rena Hall;

518--Relative to honoring Congressman Parren J. Mitchell;

520--Relative to memory, George Robert Bradshaw;

521--Relative to commending culinary excellence, Perouslas' Quality Foods;

523--Relative to expressing sorrow, death of Billy M. Howell;

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526--Relative to honoring Susan Holley; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 404--Burnett

House Bill No. 726--Burnett

House Bill No. 1172--Ridgeway

House Bill No. 1642--Bell

House Bill No. 1767--Williams

House Bill No. 1962--Burnett

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return Senate Bill No. 1305, as requested.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

1319--To clarify procedure, management of state funds; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

NOTICE PURSUANT TO RULE NO. 58

Pursuant to Rule No. 58, the sponsor gave notice of his intention to consider the following measure from the Senate on Wednesday, February 26, 1986.

House Bill No. 1227--Hillis

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MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

1130--To authorize certain law enforcement officials, administer oaths;

1162--To regulate agreement, certain alcoholic beverages;

1163--To regulate records, beer wholesalers;

1172--To set certain provisions, vandalism;

1187--To set provisions, employees serving on juries;

1219--To regulate foreign investments;

1245--To regulate certain fees, criminal cases;

1258--To fix penalties, certain trucks;

1303--To regulate criminal injury compensation program;

1378--To set certain provisions, child support;

1450--To provide psychological examination, persons convicted of sex crime;

1452--To provide annexation, certain counties;

1458--To raise capital, certain insurance companies;

1484--To extend option, certain property reappraisal;

1485--To regulate issuance, capital outlay notes, certain local governments;

1633--To amend Retailers' Sales Tax Act;

1643--To regulate procedure, judicial sales;

1699--To regulate appropriations, county legislative body;

1741--To regulate abolition of charters, municipal corporations;

1818--To enact District Attorneys General Fiscal Affairs Act;

1895--To regulate provisions, information on employment opportunities;

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1916--To phase out certain programs, Department of Correction; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No.:

209--Relative to creating Federal Commission, Youth Suicide Prevention; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

1224--To set compensation, assistant district attorneys general;

1242--To include certain products, definition of alcoholic beverages; both substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No.:

514--Relative to expressing sorrow, death of Mrs. Ada Johnson; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 1248, 1249, 1253, 1265, 1268, 1269, 1309 and 1715; also, House Joint Resolutions Nos. 498, 505, 506, 507, 508, 512, 513, 517, 532 and 536; all signed by the speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

On motion of Mr. Naifeh, the House adjourned until 2:00 p.m. Wednesday, February 26, 1986.